

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTOINE HARRIS, *et al.*,

Case No. 08-12374

Plaintiffs,

vs.

Robert H. Cleland
United States District Judge

DENISE GERTH, *et al.*,

Defendants.

Michael Hluchaniuk
United States Magistrate Judge

**ORDER GRANTING PLAINTIFF GORDON
LEAVE TO PROCEED *IN FORMA PAUPERIS***

This is a civil rights action filed under 42 U.S.C. § 1983 by multiple plaintiffs who are in the custody of the Michigan Department of Corrections. (Dkt. 1). At the time they filed the petition, plaintiffs did not pay the filing fee nor did they file individual applications to proceed *in forma pauperis* as required by 28 U.S.C. § 1915(a). On June 19, 2008, pursuant to 28 U.S.C. § 1915(a), District Judge Robert H. Cleland issued an Order allowing 30 days for each plaintiff to file a motion to proceed *in forma pauperis*, affidavit of indigence, and a certified copy of the prisoner's trust fund account statement for the preceding six months. (Dkt. 4) (June 19, 2008 Order). On August 6, 2008, Judge Cleland issued an Order dismissing certain plaintiffs for failing to comply with the June 19, 2008 Order,

including plaintiff Gordon, and granting *in forma pauperis* status to the plaintiffs who complied with the June 19, 2008 Order. (Dkt. 36). This case was referred, for all pretrial proceedings, to the undersigned on August 14, 2008. (Dkt. 40).

Plaintiff Gordon filed a letter dated August 13, 2008, in which he stated that he submitted the required motion to proceed *in forma pauperis* and supporting documents to prison officials for mailing on July 7, 2008, but that he was not granted *in forma pauperis* status in Judge Cleland's August 6, 2008 Order. (Dkt. 61). The Court found plaintiff Gordon's detailed account of completing the motion to proceed *in forma pauperis*, obtaining the necessary supporting documents, and submitting the package to a prison official for mailing, to be credible and granted him additional time to submit his application. (Dkt. 74). On September 15, 2008, the Court received plaintiff's Gordon's affidavit of indigency, certificate of prisoner trust fund activity, and trust account statement. (Dkt. 90).

Having considered the application for *in forma pauperis* status, plaintiff Gordon's application for proceed *in forma pauperis* is **GRANTED**.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not thereafter assign as

error any defect in this Order to which timely objection was not made.

Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Date: October 15, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Cori E. Barkman, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

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s/James P. Peltier

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